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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
ANGEBRANNDT, MARTIN J	

ART UNIT	PAPER NUMBER
1756	

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/648,609	DRIS ET AL.	
	Examiner	Art Unit	
	Martin J. Angebranndt	1756	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11/28/03,9/9,2/14,4/29&3/28/05*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *8/26/03* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/28/03,9/9,2/14,4/29 3/28/05*
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The examiner would like to point out that it has been held in the courts that the "applicant has [an] obligation to call the most pertinent prior patent to [the] attention of [the] Patent Office in a proper fashion." [Penn Yan Boats, Inc. V. Sea Lark Boats, Inc., et al. 175 USPQ 260 (DC SFla 1972)]. The examiner would appreciate the applicant identifying why the cited reference is pertinent to the claimed optical recording media including relevant portions of the document cited. The applicant has cited approximately 130 references, some of which appear to be of limited probative value as merely describing phenylene polymer compositions.

2. The disclosure is objected to because of the following informalities: The applicant has forgotten to include US serial numbers for the applications referenced in the instant application. See for example prepub at [0042,0108].

Appropriate correction is required.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for data storage media having data storage layers, does not reasonably provide enablement for those lacking data storage layers. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to practice the invention commensurate in scope with these claims.

Claims 1-14 are incomplete see MPEP 2172.01

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-14, 23,26, 33 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1,3-bis(4-hydroxyphenyl)methane is misspelled.

Claims 1-14 are incomplete as discussed above see MPEP 2172.01.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 42 and 43 are rejected under 35 U.S.C. 102(b) as being fully anticipated by Barzynski et al. '756.

See examples 5 and 6, which use a PPE and methylstyrene resins to form a substrate having grooves 70 nm deep and 0.6 microns wide and separated by 106 microns.

10. Claims 42 and 43 are rejected under 35 U.S.C. 102(b) as being fully anticipated by Niwano et al. '142.

Niwano et al. In example 1 teaches a substrate comprising a 50:50 ratio of polydimethyl-1,4-phenylene) ether and polystyrene (see [0033-0034] in the prepub of the instant application) which is injection molded at a temperature of 320 degrees to forma substrate having a diameter of 130 nnm, a thickness of 1.2 mm and grooves with a pitch of 1.6 microns, which is then coated with a SiN layer an TbFeCo magnetooptic recording layer and a second SiN layer. The resulting media have a low birefringence, high heat resistance, good strength, dimensional stability and adhesion to the layers applied to it. (3/1-12). The aromatic vinyl monomer may be various styrenes polymers and copolymers with other free radically polymerizable monomers (3/22-41).

The examiner notes that the lands and grooves are wide enough that lasers in the 420 nm ranges as well as longer wavelength lasers will have sufficient resolution to record in either on the lands or thin the grooves. Further, the medium is able to be accessed from the side opposite the substrate and therefore high NA lens systems including those in excess of 0.8 would be able to be used with the medium. TbFeCo is a rare earth transition metal alloy [0109].

11. Claims 1-3,5-18 and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niwano et al. '142 and Nishikawa et al. WO 02/086882 (US 2004/00760083 is English equivalent and used in lieu of a translation).

Nishikawa et al. WO 02/086882 teaches a polycarbonate substrate coated with SiN, a GdFeCoAl layer , a TbFeAl layer, a recording layer, a SiN layer, and an Al layer. (23/1-9) ([0172] is US). The substrate has a land width of 140 nm, a groove width of 400 nm, a track pitch is 0.54 microns and a groove depth of 55 nm. (22/9-12) [0167]. The narrowing of track pith allow higher density of recording and therefore more information to be recorded on a singe disk (7/22-8/2) [0061]. The use of topside recording is shown with respect to figure 11.

It would have been obvious to one skilled in the art to modify the cited example of Niwano et al. '142 by using other grooves with smaller pitches such as those taught by Nishikawa et al. WO 02/086882 with a reasonable expectation of forming a useful optical recording medium with ability to store information at a higher density and/or it would have been obvious to modify the cited example of Nishikawa et al. WO 02/086882, by using the substrate material of Niwano et al. '142 with a reasonable expectation of forming a useful optical recording medium where the substrate demonstrates low birefringence, high heat resistance, good strength, dimensional stability and adhesion to the layers applied to it.

12. Claims 1-21,27-30 and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niwano et al. '142 and Ohgo '671.

Ohgo '671 teaches optical recording media using SIL heads with a 413 nm laser and a 0.8 NA, where a optical disk master having a pitch of 0.32 microns is formed and the depth of the grooves is approximately 25, 50 or 75 nm (thickness of the resist in table 1, as these develop the entire thickness of the resist and then use plating to form the master) [0065,0068]. The substrate is molded using the stamper master and a reflective layer, an SiN layer, a NdFeCo layer, and SiN layer applied [0079]. The use of TbFeCo [0081] or phase change recording layer materials is disclosed. [0075]. In another example using a phase change recording layer, the substrate is molded using the stamper master and an Al reflective layer, a second dielectric layer, a AgInTeSb recording layer, a first dielectric layer, an adhesive layer and 90 micron polycarbonate sheet are applied [0072]. A similar example using a dye based recording layer is disclosed. [0083-0086].

It would have been obvious to one skilled in the art to modify the cited example of Niwano et al. '142 by using other grooves with smaller pitches such as those taught by Ohgo '671 with a reasonable expectation of forming a useful optical recording medium with ability to store information at a higher density and/or it would have been obvious to modify the cited example of Ohgo '671, by using the substrate material of Niwano et al. '142 with a reasonable expectation of forming a useful optical recording medium where the substrate demonstrates low birefringence, high heat resistance, good strength, dimensional stability and adhesion to the layers applied to it. Further, it would have been obvious the resulting media by using other recording layers, such as phase change recording layers or dye based recording layers, which may include a polycarbonate cover layer atop the upper dielectric based upon the disclosure to do so within Ohgo '671

13. Claims 1-21,25,27-31 and 33-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niwano et al. '142 and Ohgo '671, in view of Saito et al. '261.

Saito et al. '261 teach topside optical recording media which use a cover layer. The cover layer may be made of PANLITE, which is a bisphenol A polycarbonate. [0060]. The use of a protecting layer on the cover layer is disclosed. [0063-0064].

In addition to the basis provided above, the examiner holds that it would have been obvious to one skilled in the art to use PANLITE as the polycarbonate cover layer in media resulting from the combination of Niwano et al. '142 and Ohgo '671 with a reasonable expectation of forming a useful optical recording medium. The examiner holds that the protective layer atop the protective layer taught by Saito et al. '261 meets the limitation of the high modulus layer of claim 31.

14. Claims 1-31 and 33-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niwano et al. '142 and Ohgo '671, in view of Saito et al. '261, further in view of Ueda et al. JP 2000-315891 and Ogawa et al. '313.

Ueda et al. JP 2000-315891 (machine translation attached) teaches polystyrene:polycarbonate mixtures useful for optical recording media substrates. These include the use of bisphenol A and bis(4-hydroxyphenyl)methane and hydroxyaryl cycloalkane monomers in these mixtures. (abstract, [0010])

Ogawa et al. '313 teach polycarbonate resins which are useful in optical applications, examples include bisphenol A, bis(4-hydroxyl) methane and mixtures of these. [0031]. The use of these as optical disk substrates and as optical sheets for near field recording media is also disclosed. [0002].

In addition the basis provided above, the examiner holds that it would have been obvious to one skilled in the art to modify the combination of Niwano et al. '142, Ohgo '671 and Saito et al. '261 to use other polycarbonate composition known to be useful in optical recording media, particularly those disclosed by Ueda et al. JP 2000-315891 and Ogawa et al. '313 which are known to be useful in substrates and/or cover layers in place of PANLITE or the polycarbonate sheet taught by Ohgo '671 with a reasonable expectation of forming a useful optical recording media having a cover layer with good transparency and low birefringence.

15. Claims 1-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niwano et al. '142 and Ohgo '671, in view of Saito et al. '261, Ueda et al. JP 2000-315891 and Ogawa et al. '313, further in view of Mino et al. '957, Dris et al. '405 or Dris et al. WO 03/021588.

Mino et al. '957 teach silicon hard coat agents provided on protective layers [0060]. The hard coat agents are disclosed as providing wear resistance [0049].

Dris et al. '405 teach the provision of high modulus layers to optical recording media, including silicon hardcoats and copolycarbonate esters [0017]. These are disclosed as being able to be placed atop the thin film layer and data layers as shown in figure 2 and confer additional stability [0010].

Dris et al. WO 03/021588 teach the provision of high modulus layers to optical recording media, including silicon hardcoats and copolycarbonate esters (6/3-27 and claim 6). These are disclosed as being able to be placed atop the thin film layer and data layers as shown in figure 2 and confer additional stability (3/1-12).

In addition the basis provided above, the examiner holds that it would have been obvious to one skilled in the art to modify the combination of Niwano et al. '142, Ohgo '671, Saito et al. '261, Ueda et al. JP 2000-315891 and Ogawa et al. '313 as discussed above by adding the silicon hardcoats or copolycarbonate resin overcoats taught by Mino et al. '957, Dris et al. '405 or Dris et al. WO 03/021588 as the overcoating of the protective layer taught by Saito et al. '261 with a reasonable expectation of gaining the increased hardness and/or stability ascribed to the addition of these layers by Mino et al. '957, Dris et al. '405 or Dris et al. WO 03/021588.

16. Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feist et al. '455.

Examples 1-8 teach optical recording media which are grooved with grooves 50 nm deep and a pitch of 0.8 microns. [0048-0063]. The coating of various data storage layers on the substrate is disclosed. [0039]. The disclosure of first surface recording media where the

substrate is coated with a reflective layer, a dielectric layer, a recording layer, a dielectric layer and a protective layer is disclosed. [0038]. The protective layer may be materials including polycarbonates [0040].

It would have been obvious to one skilled in the art to modify the examples cited by providing data layers thereon. Further, the examiner holds that it would have been obvious to form first surface recording media, such as those disclosed at [0038] with a reasonable expectation of forming a useful optical recording medium which realizes the benefits ascribed to the substrate.

17. Claims 1-21,27-30 and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feist et al. '455 and Ohgo '671.

It would have been obvious to one skilled in the art to modify the cited example of Feist et al. '455 by using other grooves with smaller pitches such as those taught by Ohgo '671 with a reasonable expectation of forming a useful optical recording medium with ability to store information at a higher density and/or it would have been obvious to modify the cited example of Ohgo '671, by using the substrate material of Feist et al. '455 with a reasonable expectation of forming a useful optical recording medium where the substrate demonstrates low birefringence, high heat resistance, good strength, dimensional stability and adhesion to the layers applied to it. Further, it would have been obvious the resulting media by using other recording layers, such as phase change recording layers or dye based recording layers, which may include a polycarbonate cover layer atop the upper dielectric based upon the disclosure to do so within Ohgo '671

18. Claims 1-21,25,27-31 and 33-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feist et al. '455 and Ohgo '671, in view of Saito et al. '261.

In addition to the basis provided above, the examiner holds that it would have been obvious to one skilled in the art to use PANLITE as the polycarbonate cover layer in media resulting from the combination of Feist et al. '455 and Ohgo '671 with a reasonable expectation of forming a useful optical recording medium. The examiner holds that the protective layer atop the protective layer taught by Saito et al. '261 meets the limitation of the high modulus layer of claim 31.

19. Claims 1-21,27-30 and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hay et al. '438 and Ohgo '671.

Hay et al. '438 teach optical recording media substrates in examples 3 and data layers [0078-0081].

It would have been obvious to one skilled in the art to modify the cited example of Hay et al. '438 by using grooved substrates, such as those taught by Ohgo '671 with a reasonable expectation of forming a useful optical recording medium with ability to store information at a higher density and have a laser track accurately on the medium and/or it would have been obvious to modify the cited example of Ohgo '671, by using the substrate material of Hay et al. '438 with a reasonable expectation of forming a useful optical recording medium where the substrate demonstrates low birefringence, high heat resistance, good strength, dimensional stability and adhesion to the layers applied to it. Further, it would have been obvious the resulting media by using other recording layers, such as phase change recording layers or dye based recording layers, which may include a polycarbonate cover layer atop the upper dielectric based upon the disclosure to do so within Ohgo '671

20. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or

improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

21. Claim 1-21,27-30 and 42-45 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-32 of copending Application No. 10/648540 (US 2005/0046056) in view of Feist et al. '455 and Ohgo '671.

The claims are directed to both the molding process used to form an optical recording medium substrate and the resulting data storage disks, but are silent on the grooves conventionally formed in these substrate and the data layers. The examiner holds that it would have been obvious to one skilled in the art to modify the claimed invention by forming grooves and data layers such as those disclosed by Feist et al. '455 and Ohgo '671 to form the claimed optical recording media, noting the similarity, particularly in the disclosure of Feist et al.

This is a provisional obviousness-type double patenting rejection.

An indication of allowability is present in the filed of this co-pending application and therefore the provisional nature of this rejection may be withdrawn without prejudice to finality.

22. Claim 1-21,27-30 and 42-45 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3,7-16,18-24 & 26-62 of copending Application No. 10/648640 (US 2005/0049362) in view of Feist et al. '455 and Ohgo '671.

The claims are directed to both the process used to form the resins and optical recording medium substrate and data storage disks including them, but are silent on the grooves conventionally formed in these substrate and the data layers. The examiner holds that it would have been obvious to one skilled in the art to modify the claimed invention by forming grooves and data layers such as those disclosed by Feist et al. '455 and Ohgo '671 to form the claimed optical recording media, noting the similarity, particularly in the disclosure of Feist et al.

This is a provisional obviousness-type double patenting rejection.

An indication of allowability is present in the filed of this co-pending application and therefore the provisional nature of this rejection may be withdrawn without prejudice to finality.

23. Claim 1-21,27-30 and 42-45 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-49 of copending Application No. 10/648647 (US 2005/0049333) in view of Feist et al. '455 and Ohgo '671.

The claims are directed to both the process used to form the resins and an optical recording medium substrate including them, but are silent on the grooves conventionally formed in these substrate and the data layers. The examiner holds that it would have been obvious to one skilled in the art to modify the claimed invention by forming grooves and data layers such as those disclosed by Feist et al. '455 and Ohgo '671 to form the claimed optical recording media, noting the similarity, particularly in the disclosure of Feist et al.

This is a provisional obviousness-type double patenting rejection.

24. Claim 1-21,27-30 and 42-45 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-29 of copending Application No. 10/648604 (US 2005/0046070) in view of Feist et al. '455 and Ohgo '671.

The claims are directed to both the process used to form the resins and an optical recording medium substrate including them, but are silent on the grooves conventionally formed in these substrate and the data layers. The examiner holds that it would have been obvious to one skilled in the art to modify the claimed invention by forming grooves and data layers such as those disclosed by Feist et al. '455 and Ohgo '671 to form the claimed optical recording media, noting the similarity, particularly in the disclosure of Feist et al.

This is a provisional obviousness-type double patenting rejection.

25. Claim 1-21,27-30 and 42-45 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-49 of copending Application No. 11/151494 (US 2005/0233151) in view of Feist et al. '455 and Ohgo '671.

The claims are directed to both the process used to form the resins and an optical recording medium substrate including them, but are silent on the grooves conventionally formed in these substrate. The examiner holds that it would have been obvious to one skilled in the art to modify the claimed invention by forming grooves, such as those disclosed by Feist et al. '455 and Ohgo '671 to form the claimed optical recording media, noting the similarity, particularly in the disclosure of Feist et al.

This is a provisional obviousness-type double patenting rejection.

An indication of allowability is present in the filed of this co-pending application and therefore the provisional nature of this rejection may be withdrawn without prejudice to finality.

26. Claim 1-21,27-30 and 42-45 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-81 of copending Application No. 11/101883 (US 2005/0180284) in view of Feist et al. '455 and Ohgo '671.

The claims are directed to both the process used to form the resins and an optical recording medium substrate including them, but are silent on the grooves conventionally formed in these substrate and the data layers. The examiner holds that it would have been obvious to one skilled in the art to modify the claimed invention by forming grooves and data layers such as those disclosed by Feist et al. '455 and Ohgo '671 and the polystyrene/polyphenylene resins disclosed by Feist et al. to form the claimed optical recording media, noting the similarity, particularly in the disclosure of Feist et al.

This is a provisional obviousness-type double patenting rejection.

An indication of allowability is present in the filed of this co-pending application and therefore the provisional nature of this rejection may be withdrawn without prejudice to finality.

27. Claim 1-21,27-30 and 42-45 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-37 of copending Application No. 10/063004 (US 2002/0094455) in view of Ohgo '671.

The claims are directed to both the process used to form the resins and an optical recording medium substrate including them, but are silent on the grooves conventionally formed in these substrate and the data layers. The examiner holds that it would have been obvious to

one skilled in the art to modify the claimed invention by forming grooves and data layers such as those disclosed by Ohgo '671 to form the claimed optical recording media.

This is a provisional obviousness-type double patenting rejection.

28. Claim 1-21,27-30 and 42-45 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of copending Application No. 10/922194 (US 2005/0064129) in view of Feist et al. '455 and Ohgo '671.

The claims are directed to both the process used to form the resins and an optical recording medium substrate including them, but are silent on the grooves conventionally formed in these substrate and the data layers. The examiner holds that it would have been obvious to one skilled in the art to modify the claimed invention by forming grooves and data layers such as those disclosed by Feist et al. '455 and Ohgo '671 and the polystyrene/polyphenylene resins disclosed by Feist et al. to form the claimed optical recording media, noting the similarity, particularly in the disclosure of Feist et al.

This is a provisional obviousness-type double patenting rejection.

29. Claim 1-21,27-30 and 42-45 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/986611 (US 2005/0129953) in view of Feist et al. '455 and Ohgo '671.

The claims are directed to both the process used to form the resins and an optical recording medium substrate including them, but are silent on the grooves conventionally formed in these substrate and the data layers. The examiner holds that it would have been obvious to one skilled in the art to modify the claimed invention by forming grooves and data layers such as those disclosed by Feist et al. '455 and Ohgo '671 and the polystyrene/polyphenylene resins

disclosed by Feist et al. to form the claimed optical recording media, noting the similarity, particularly in the disclosure of Feist et al. (see claim 7)

This is a provisional obviousness-type double patenting rejection

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kanome et al. '497 teaches that PANLITE is a bisphenol A polycarbonate (col 28).

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin J. Angebranndt whose telephone number is 571-272-1378. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Martin J Angebranndt
Primary Examiner
Art Unit 1756

01/20/2006